

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

HULL et al

Atty. Ref.: 620-106

Serial No.: 09/622,978 OCT 23 2000 Group Art Unit:

Filed: August 25, 2000 Examiner:

For: BANANA STREAK VIRUS PROMOTER AND DETECTION

October 23, 2000

#  
4RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Hon. Commissioner of Patents  
 and Trademarks  
 Washington, DC 20231

Sir:

In response to the Notification of Missing Requirements dated September 21, 2000, attention is directed to the fact that the inventor's oath/declaration was in fact filed on September 12, 2000. A copy of the papers filed September 12, 2000, is enclosed, together with a copy of the postcard receipt evidencing that filing.

Acknowledgement of receipt of the foregoing is requested.

Respectfully submitted,

**NIXON & VANDERHYE, P.C.**

By

*Mary J. Wilson*  
 Mary J. Wilson  
 Reg. No. 32,955

MJW:tat

1100 North Glebe Road, 8<sup>th</sup> Floor  
 Arlington, Virginia 22201-4714  
 Telephone: (703) 816-4000  
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09/622,978

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

O I P E

INTERNATIONAL APPLICATION NO.  
PCT/GB99/00599INTERNATIONAL FILING DATE  
26 February 1999

PRIORITY DATE CLAIMED

27 February 1998

## TITLE OF INVENTION

**BANANA STREAK VIRUS PROMOTER AND DETECTION**

## APPLICANT(S) FOR DO/EO/US

HULL et al

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1)).
4.  A proper Demand for International Preliminary Examination was made by the 19<sup>th</sup> month from the earliest claimed priority date.
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  A translation of the amendments to the claims under PCT Article 19 (U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11. To 16. Below concern document(s) or information included:

11.  An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13.  A **FIRST** preliminary amendment.  
 A **SECOND** or **SUBSEQUENT** preliminary amendment.
14.  A substitute specification.
15.  A change of power of attorney and/or address letter.
16.  Other items or information.

U.S. APPLICATION NO. (If known, see 37 C.F.R.  
09/622,978INTERNATIONAL APPLICATION NO.  
PCT/GB99/00599ATTORNEY'S DOCKET NUMBER  
620-10617.  The following fees are submitted:

CALCULATIONS PTO USE ONLY

**BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):**

- Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$970.00
- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$840.00
- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO ..... \$690.00
- International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$670.00
- International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$96.00



ENTER APPROPRIATE BASIC FEE AMOUNT =

S 0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than  20  30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).

S 0.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	S	0.00
Total Claims	51	-51 =	0	X	\$18.00
Independent Claims	3	-3 =	0	X	\$78.00

MULTIPLE DEPENDENT CLAIMS(S) (if applicable)

TOTAL OF ABOVE CALCULATIONS = S 0.00

Reduction by ½ for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 C.F.R. 1.9, 1.27, 1.28).

SUBTOTAL = S 0.00

Processing fee of \$130.00, for furnishing the English Translation later than  20  30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).

+ S 0.00

TOTAL NATIONAL FEE = S 0.00

Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property + S 0.00

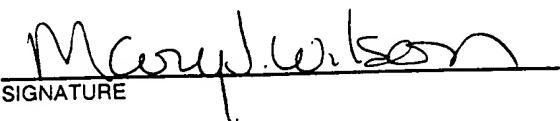
for Petition to Revive Unintentionally Abandoned Application (\$1210.00 - Small Entity = \$605.00) S 0.00

TOTAL FEES ENCLOSED = S 0.00

Amount to be:	\$
refunded	\$
Charged	\$

- a.  A check in the amount of \$0.00 to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 14-1140 in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this form is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.
- d.  The entire content of the foreign application(s), referred to in this application is/are hereby incorporated by reference in this application.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

  
SIGNATURE

Mary J. Wilson  
NAME

32,955 September 12, 2000  
REGISTRATION NUMBER Date

SEND ALL CORRESPONDENCE TO:

NIXON & VANDERHYE P.C.  
1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201  
Telephone: (703) 816-4000



Serial No.: 09/622,978  
Applicant: HULL et al  
Title: BANANA STREAK VIRUS  
PROMOTER AND DETECTION

Atty: m.j.w  
Date: 9-12-2000  
Client: NEWBURNELL  
Ref: 620-106

- Amendment  
 Pages Specification  
 Claims  
 Sheets Drawings: Formal \_\_\_\_\_  
 Declaration ( 1 Pages) Informal \_\_\_\_\_  
 Assignment  
 Priority Document  
 Base Issue Fee Transmittal  
 Fee (Check)



Other: TRANSMITTAL LETTER FILING COMPLE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HULL et al

Serial No. 09/622,978

Filed: August 25, 2000

Title: BANANA STREAK VIRUS PROMOTER AND DETECTION

Atty Dkt. 620-106

C# M#

Group Art Unit:

Examiner:

Date: October 23, 2000

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number		
previously paid for	20	(at least 20) =	0	x \$ 18.00

\$ 0.00

Independent claims after amendment	0	minus highest number		
previously paid for	3	(at least 3) =	0	x \$ 80.00

\$ 0.00

If proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)	\$	0.00
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Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$390.00/2 months; \$890.00/3 months)	\$	0.00
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Terminal disclaimer enclosed, add \$ 110.00	\$	0.00
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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$710.00)	\$	0.00
<input type="checkbox"/> Please enter the previously unentered , filed		
<input type="checkbox"/> Submission attached		

<input type="checkbox"/> Request for Continued Examination pursuant to 37 C.F.R. § 1.114 (\$710.00)	\$	0.00
<input type="checkbox"/> Please enter the previously unentered , filed		
or <input type="checkbox"/> Required submission attached		

**Subtotal** \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract	-\$	0.00
<input type="checkbox"/> Statement filed herewith		

Rule 56 Information Disclosure Statement Filing Fee (\$240.00)	\$	0.00
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Assignment Recording Fee (\$40.00)	\$	0.00
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Other:		0.00
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<b>TOTAL FEE ENCLOSED</b>	\$	0.00
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The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
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MJW:tat

NIXON & VANDERHYE P.C.  
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

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MON

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09/622,978



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

620-106



U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. I.D./CUTTER NO.
NIXON & VANDERHYE 8TH FLOOR 1100 NORTH GLEBE ROAD 22201 ARLINGTON UNITED STATES	5611	PCT/GB99/00599 INTERNATIONAL APPLICATION NO.  I.A. FILING DATE 02/26/99 PRIORITY DATE 02/27/98 DATE MAILED: 09/21/00

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:

- a Designated Office (37 CFR 1.494).  
 an Elected Office (37 CFR 1.495):  
 U.S. Basic National Fee.  
 Copy of the international application in:  
 a non-English language.  
 English.  
 Translation of the international application into English.  
 Oath or Declaration of inventors(s) for DO/EO/US.  
 Copy of Article 19 amendments.  
 Translation of Article 19 amendments into English.  
 The International Preliminary Examination Report in English and its Annexes, if any.  
 Translation of Annexes to the International Preliminary Examination Report into English.  
 Preliminary amendment(s) filed 2/21/2000 and Not entered.  
 Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_  
 Assignment document.  
 Power of Attorney and/or Change of Address.  
 Substitute specification filed \_\_\_\_\_  
 Verified Statement Claiming Small Entity Status.  
 Priority Document.  
 Copy of the International Search Report  and copies of the references cited therein.  
 Other:

DOCKETED

PLT/MATTER # 420-100  
MAIL DATE 9/21/00  
FEE DATE OCT 21, 2000  
DEADLINE March 21, 2001  
MUR/JMS

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
 b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
 d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR. 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice MUST be returned with this response.*

Enclosed:

- PCT/DO/EO/917  
 PTO-875

- Notice of Defective Translation

FORM PCT/DO/EO/905 (December 1997)

*f K.*  
Pavlette Kidwell, Paralegal  
Telephone: 703-305-3656